

REMARKS

Applicant notes with appreciation the time taken by the Examiner to interview this case on October 2, 2006. Applicant submits the present amendment is fully responsive to the Office Action. Applicant has amended the claims for the purpose of putting the application in condition for allowance.

Claims 1-10 stand rejected under §102(e) as being anticipated by Dennis et al. (United States Patent 6,834,838). Independent claims 1 and 6 have been amended to define the receptor portion as extending axially and downwardly relative to the bottom end of the carrier portion. Claims 1 and 6 have also been amended to define a support surface of the receptor for supporting the container, which is disposed below the bottom end of the carrier portion when the receptor portion is in the extended position.

As noted by the Examiner in the interview, York et al. appears to be the most relevant reference with regard to a support surface being disposed below the bottom end of the carrier portion when in the extended position. York et al. disclose a cup holder having a platform 34 with a support surface that, in an extended position, is disposed below a bottom end of an upper platform or carrier portion 16. The container holder in York et al., however, is substantially different than the container holder as defined in claim 1 and 6. More particularly, York et al. lacks the telescopic engagement between the carrier portion and receptor portion. Instead, York et al. utilize a platform 34 that is pivotally coupled to the upper platform 16.

Applicant submits that claims 1 and 6 as amended herein are not anticipated by Dennis et al., York et al. or the other references of record. Applicant respectfully requests withdrawal of the anticipation rejections of claims 1 and 6 by Dennis et al. under §102(e). Applicant also respectfully requests withdrawal of the anticipation

rejections of claims 2-5 and 7-9 by Dennis et al. under §102(e) on the basis of dependency from allowable base claims.

CONCLUSION

Applicant respectfully submits that all of the claims in the instant application patentably define Applicant's invention over the prior art references of record and are, therefore, allowable. Accordingly, reconsideration of the above rejections and advancement of the present case to issue is requested. If the Examiner finds to the contrary, it is respectfully requested that the undersigned attorney be contacted at the telephone number given below to resolve any remaining issues.

Respectfully submitted,

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